

19557-105

PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scholten et al.

Serial No.: 08/278,616

Filing Date: July 21, 1994

Title: VARIABLE AIR VOLUME ENVIRONMENTAL  
MANAGEMENT SYSTEM INCLUDING A FUZZY  
LOGIC CONTROL SYSTEM

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

I hereby certify that this correspondence is  
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## ATTENTION:

Ms. Deborah Hawkins  
Refund Section  
Accounting Division  
Office of Finance

9-27-94  
Mary A. J. A.  
Name  
9-27-94  
Date of Signature

Dear Ms. Hawkins:

REQUEST FOR REFUNDI. REFUND REQUEST

On July 21, 1994 the above-identified application was filed in the United States Patent and Trademark Office. Although the applicant was entitled to claim small entity status, the applicant did not claim small entity status at the time of filing. A Verified Statement (Declaration) Claiming Small Entity Status was however filed on August 19, 1994. Enclosed is a copy of the

Verified Statement as well as the Transmittal Letter in this regard. At the time of filing, a filing fee of \$597.00 was also submitted to cover the filing expenses for a small entity. Enclosed is a copy of Baker & Botts Check No. 15593 for this amount. Although the correct filing fee was paid, an additional \$597.00 was charged to Baker & Botts, L.L.P. Deposit Account No. 02-0384. We assume this fee was charged to our account because the Verified Statement was not filed with the application documents on July 21, 1994. As the applicant has now provided the necessary Declaration, we respectfully request a refund in this matter.

II. FEES PAID FOR WHICH REFUND REQUESTED


Amount of \$597.00 charged for payment of Large Entity Status filing fees.

III. MANNER OF REFUND

Please make refund by crediting Account No. 02-0384 of Baker & Botts, L.L.P. A duplicate copy of this document is enclosed.

Respectfully submitted,

BAKER & BOTTS, L.L.P.  
Attorneys for Applicants

  
Jerry W. Mills  
Reg. No. 23,005

2001 Ross Avenue  
Dallas, Texas 75201-2916  
(214) 953-6665

Date: September 23, 1994

TEKAS COMMERCE BANK NATIONAL ASSOCIATION  
AUSTIN OFFICE  
P.O. BOX 550 - 7TH AND LAVACA  
AUSTIN, TEXAS 78769

BAKER & BOTTS, L.L.P.  
ATTORNEYS AT LAW  
1600 SAN JACINTO CENTER  
98 SAN JACINTO BLVD.  
AUSTIN, TX 78701-4039

15592

7/21 1994 32-115/1110

PAY TO THE ORDER OF 11135 Commissioner of Patents & Trademarks \$ 40.00  
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Eugenia P. Valdez

MP

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AUSTIN, TEXAS 78769

BAKER & BOTTS, L.L.P.  
ATTORNEYS AT LAW  
1600 SAN JACINTO CENTER  
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Eugenia P. Valdez

MP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scholten et al.  
Serial No.: 08/278,616  
Filing Date: July 21, 1994  
Group Art Unit: Unknown  
Examiner: Unknown  
Title: VARIABLE AIR VOLUME ENVIRONMENTAL  
MANAGEMENT SYSTEM INCLUDING A FUZZY  
LOGIC CONTROL SYSTEM

Honorable Commissioner of  
Patent and Trademarks  
Washington, D.C. 20231

Dear Sir:

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Washington, D.C. 20231, on  
8/19/94

Regina A. Wilson  
Name

8/19/94  
Date of Signature

TRANSMITTAL LETTER

Enclosed for filing is a Verified Statement (Declaration)  
Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(c)) - Small  
Business Concern.

The Commissioner is hereby authorized to charge any fees or  
credit any overpayments to Deposit Account No. 02-0384 of Baker  
& Botts, L.L.P.

Respectfully submitted,

BAKER & BOTTS  
Attorneys for Applicants

William N. Hulsey III

William N. Hulsey III  
Reg. No. 33,402

Date: August 19, 1994  
800 Trammell Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201-2916  
(512) 322-2548

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: EMS Control Systems International  
Address of Small Business Concern: 36 Hasler Road  
Osborne Park, Western Australia 6017

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled VARIABLE AIR VOLUME ENVIRONMENTAL MANAGEMENT SYSTEM INCLUDING A FUZZY LOGIC CONTROL SYSTEM by inventors Jean Henry Albert Scholten and Anno Johannes Scholten, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE

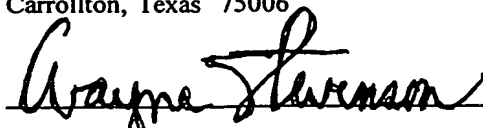
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:  
Title of Person if other than owner:  
Address of Person Signing:

Wayne Stevenson  
Chairman & CEO, EMS Control Systems International  
1625 West Crosby Road, Suite 100  
Carrollton, Texas 75006

Signature:



Date:

1 August 1994